

Annual Report  
2010-2011

THE OFFICE OF  
THE INTEGRITY  
COMMISSIONER  
OF ONTARIO

Encouraging  
a culture  
of integrity

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

Office of the Integrity Commissioner  
Lynn Morrison, Commissioner

Bureau du commissaire à l'intégrité  
Lynn Morrison, Commissaire

June 2011

The Honourable Steve Peters  
SPEAKER OF THE LEGISLATIVE ASSEMBLY OF ONTARIO

Dear Mr. Speaker:

It is an honour to present the Annual Report of the Office of the Integrity  
Commissioner for the period April 1, 2010, to March 31, 2011.

Yours very truly,

A handwritten signature in cursive script that reads "Lynn Morrison".

Lynn Morrison  
INTEGRITY COMMISSIONER

# Annual Report of the Office of the Integrity Commissioner 2010 / 2011

## Introduction

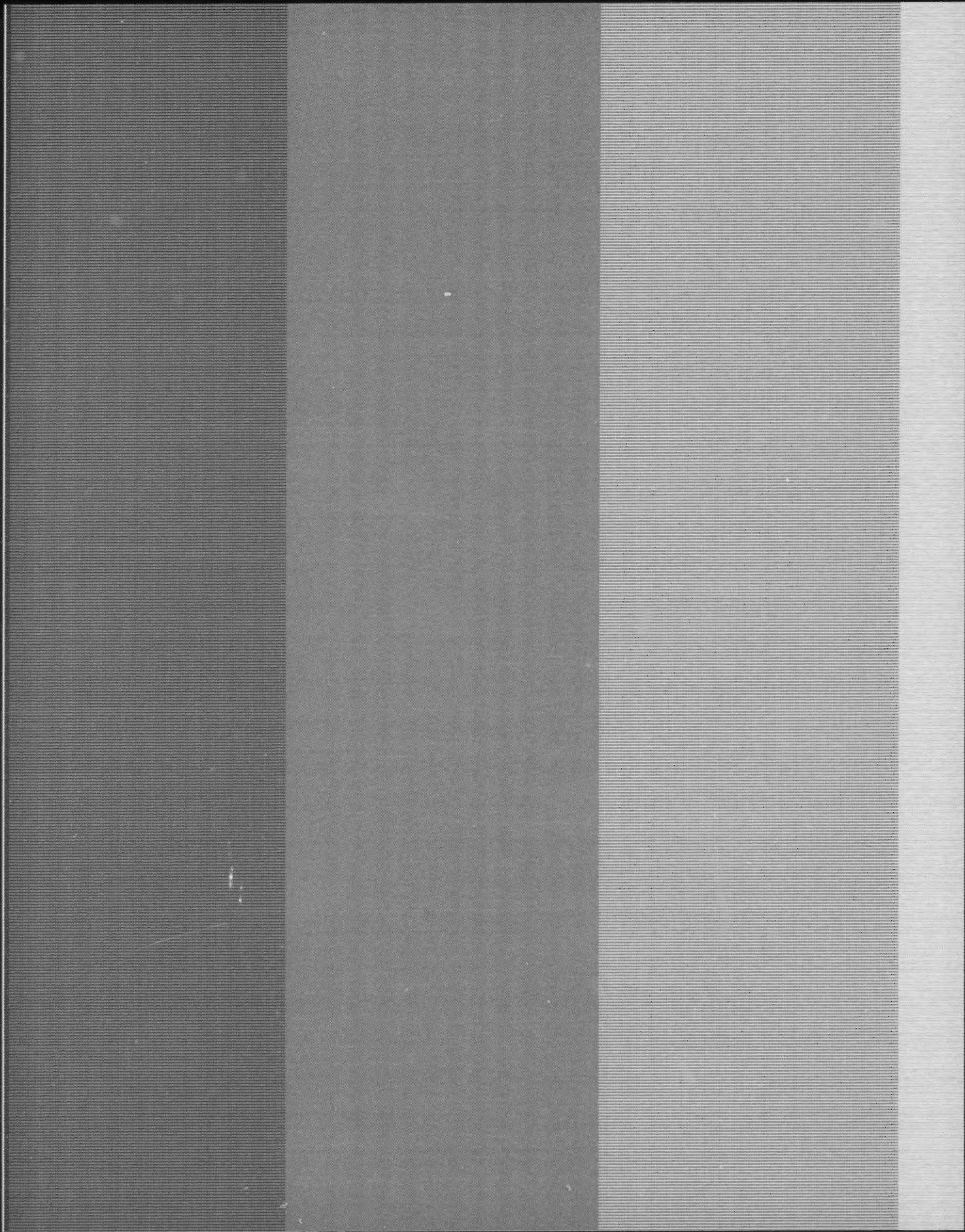
Ethics and integrity are at the heart of public confidence in government. The Office of the Integrity Commissioner is impartial, believing that good leadership fosters an ethical culture.

It works to reconcile private interests and public duties, promoting confidence and respect for Ontario's Legislative Assembly and the Ontario Public Service.

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ENCOURAGING  
A CULTURE  
OF INTEGRITY







Lynn Morrison / Integrity Commissioner

Key changes  
were made to  
the Members'  
Integrity Act

## Commissioner's Message

The past year was one of challenge and change for the Office of the Integrity Commissioner. While the mandates under my direction are varied, they are tied by common themes that I believe are essential in promoting public trust in government: transparency, common sense and education. This Office prides itself on having an open, consultative relationship with its many stakeholders, and employs an efficient, thoughtful approach to getting the job done well.

We have been busy. The Office saw significant legislative changes to two key mandates, first with amendments to the *Members' Integrity Act, 1994* and then to the *Lobbyists Registration Act, 1998*. This all occurred against a "business as usual" backdrop, where our work continues to increase in volume and complexity.

### MEMBERS' INTEGRITY

The *Members' Integrity Act, 1994* was amended in September, concluding a seven-year effort to update and clarify obligations and requirements under the Act, and also to address gaps in the implementation of the legislation. The changes focused on a number of areas, such as the receipt of gifts, the release of my opinions and an expansion of the Commissioner's discretion when reviewing a member's professional status. In the event that a member is required to create a trust to hold his or her investments or business assets while in public service, the Act now allows for the reimbursement of costs.

I am grateful for the time and attention MPPs took in approving these long-awaited amendments, and for their cooperation in our annual meetings in the fall to review the amendments and reflect on how the changes affect their individual situations.

## LOBBYISTS REGISTRATION

I have been the Lobbyist Registrar for the province of Ontario since the role was established in 1999. With more than 10 years of experience, I believe it is time to take stock of where we are and where we should be.

I have continued to take steps to work within the limits of our legislation to require more transparency. I have done this to meet growing public expectations of greater accountability and transparency around lobbying activities.

In the past year, I continued to require more detailed descriptions of lobbying activity on registration forms, provided training sessions in Toronto and Ottawa, re-issued our Interpretation Bulletins and established clearer policies and procedures to enable lobbyists to obtain advice about their registration requirements.

In the year ahead, I plan to do more. For the first time, I will be advocating for a legislative review and update of the *Lobbyists Registration Act, 1998*. Fortunately, we have the benefit of learning from our provincial and federal counterparts who have experience with some of the newer features of modern lobbyist registration and regulation systems.

Areas that require review are whether there should be a code of conduct for lobbyists, and whether the Act should provide me with investigation or inquiry powers. Other issues include the nature and scope of the information required to be disclosed on the registry, thresholds for the registration of in-house lobbyists, and administrative penalties or other tools to encourage compliance and raise awareness of the registry.

I believe that this is a good time to consider reviewing the Act, in part because common sense changes will help to uphold two important principles: transparency and the legitimacy of lobbying activity. Without changes, transparency is threatened. This cannot continue. It is of no benefit to government; it is of no benefit to the lobbyists; and, ultimately, it is of no benefit to the citizens of Ontario.

I will be calling for a thoughtful, constructive review. While the Act needs a renovation, many parts of our system work well and I believe any review must respect the good practices and procedures on which lobbyists in Ontario have come to rely.

## EXPENSES REVIEW

This new mandate moved into full swing this year with the hiring of two staff members to review the expenses of senior officials at 22 provincial agencies, boards and commissions. The reviews are time-consuming and rigorous, and feature a strong education component as everyone learns the rules of what is and is not allowed. I am pleased with the cooperation received from the agencies, boards and commissions.

This year I also took steps to provide some clarity for Ministers, parliamentary assistants, Opposition leaders and their political staff. They are required by law to ensure their spending is "modest, representing a prudent use of public funds," but in the absence of firm meal rates for their expenses, I directed my Office to use the government's Travel, Meal and Hospitality Expenses Directive as a guide when reviewing these expenses. I am pleased to say that all parties readily agreed to this change.

## DISCLOSURE OF WRONGDOING

Since 2007, we have referred 19 allegations of wrongdoing for investigation. This year, we concluded our first independent investigation. Unlike in other Canadian models, as Integrity Commissioner I have jurisdiction to commence my own investigation only if I am not satisfied with an investigation caused, at my direction, by a senior official within government. In our investigation, I did not find wrongdoing within the meaning of the *Public Service of Ontario Act, 2006*; however, I did uncover significant issues in a program area, all of which required correction. The ministry/agency in that case accepted all of my recommendations.

All of my work in this area has led me to one overriding observation: It is incumbent on managers within government to ensure that their staff feels comfortable and confident in raising issues of significant concern internally. Government departments and agencies are large, and it is all too easy for public servants to feel detached from the centre, leaving them with no confidence that senior officers will take their concerns seriously or give them appropriate priority. I continue to encourage senior government officials to

communicate with their staff and find ways to engage them at all levels. Public servants “in the trenches” have the best information to help detect problems early. Don’t wait for them to come to my Office first — resolve the issue at the soonest possible opportunity.

I struggle with the level of confidentiality that is embedded in the Act. While I accept that investigations of this nature must be conducted in confidence, I have also observed that the discreet nature of the investigations gives rise to more speculation than information, and I have a concern about the toll that this takes on workplaces that are affected by referrals and investigations. I am actively considering this issue, and will be prepared to make recommendations when the legislation comes up for review in 2012.

## OPERATIONS

In keeping with the environment of increased transparency, I decided that my Office should post online the travel, meal and hospitality expenses for the senior management team. This information can be found on our website.

With such varied mandates and the growth in staff numbers over the past two years, all of the Office’s internal processes and policies are being examined for updating. The largest project to date is an assessment of the information technology infrastructure to develop a strategic plan to ensure it can support our needs for the coming decade. The implementation of that plan is expected to be a multi-year project, and is intended to lay the foundations for the development of a robust and active website, as well as to offer additional functionality to support internal operations such as online services and record keeping.

The Office this year played host to the annual meeting of the Canadian Conflict of Interest Network. This one-day meeting at the Legislative Assembly brought together provincial and federal ethics executives for a lively and informative update of ethics developments in their respective jurisdictions.

As Lobbyist Registrar, I also attended meetings with my federal and provincial counterparts. The annual meeting of Lobbyist Registrars was held in St. John’s, Newfoundland

and Labrador, in September. And reflecting the increasing complexity of issues we face, a second meeting was held in Ottawa in February, where discussions focused on the strengths and weaknesses of legislation in each jurisdiction.

I was honoured last spring when the members of the Legislative Assembly appointed me Integrity Commissioner, after almost three years in an acting capacity. I have worked with this Office since it was established, and take on these responsibilities with great respect for the institution.

Finally, I would like to thank the members of my staff for their hard work, enthusiasm and dedication to helping encourage public confidence in government.

## In Memoriam

On a personal note, the year marked the passing of Ontario’s first Integrity Commissioner, The Honourable Gregory T. Evans. A dear friend and mentor, he served from 1988 to 1997. He was known for his common sense and his ability to connect with people. He had a genuine desire to make sure that the province’s elected officials always had someone they could consult in confidence. He made a point of saying that MPPs should never think they have all the answers, but should know when to ask the right questions.

He was motivated by simple principles, the greatest of which were to deal with the facts and to stand up for what you believe in. As a result, he earned the respect of members of all parties for his calm, friendly manner and pragmatic approach to offering guidance and advice. Not surprisingly, his influence extended beyond Ontario, as he was esteemed by his peers in other provinces for helping shape the country’s ethics legislation. His work provided a strong foundation for the Office of the Integrity Commissioner, and we are guided by his principles to this day.





# MPP Integrity

*The Integrity Commissioner  
advises MPPs on conflicts of interest  
and ethical behaviour.*

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## Mandate

The Integrity Commissioner has three key responsibilities under the *Members' Integrity Act, 1994*:

1

Receive inquiries and offer confidential advice on ethical issues raised by MPPs;

2

Oversee the annual private disclosure statements, meeting with each MPP to discuss the information, and filing a public version of this material with the Clerk of the Legislative Assembly; and

3

Conduct inquiries into alleged violations of the Act, when raised by one MPP about another.

*High ethical standards strengthen trust and confidence in the Ontario government.*

## Overview

The Integrity Commissioner advises MPPs on conflicts of interest and ethical behaviour. In fulfilling this mandate, the duties include the following:

- REVIEW EACH MEMBER'S private financial disclosure;
- MEET WITH EACH member annually to discuss the disclosure and any ethical questions he or she may have;
- PREPARE THE PUBLIC disclosure statements; and
- RECEIVE QUESTIONS IN confidence throughout the year.

**DISCLOSURE STATEMENTS:** Financial disclosure statements from each of Ontario's 107 MPPs were filed with the Clerk of the Legislative Assembly on January 24, 2011. All MPPs were in compliance with the provisions of the Act. Copies of the public disclosure statements can be obtained from the Clerk, and are also found on the Office's website.

## Inquiries

Last year, the Office received 318 confidential inquiries from MPPs, their staff and members of their families. This figure has remained fairly constant over the years; however, the complexity of the issues has increased. And while the Commissioner works to respond to all inquiries within a 24-hour period, experience shows that many issues will take longer to resolve.

Each year, the Office publishes anonymized inquiries to help MPPs identify circumstances that could raise issues under the Act. The examples are intended to raise awareness and should be used only as a reference tool. When reviewing the inquiries, it is important to remember that each opinion is based on its own disclosed facts. The examples should not be considered a substitute for calling the Office directly.

# Gifts

MPPS SHOULD AVOID circumstances where a reasonable person might conclude that a gift or benefit was given with an intention to influence them in carrying out their duties. This concern is heightened when gifts are received from stakeholders of the Ontario government.

The Act permits MPPs to accept only those gifts or benefits connected with the performance of their duties if the Commissioner is informed of the circumstances and is of the opinion that it is "unlikely that receipt of the gift or benefit gives rise to a reasonable presumption that the gift or benefit was given in order to influence the member

in the performance of his or her duties," or the gift or benefit "is received as an incident of the protocol, customs or social obligations that normally accompany the responsibilities of office." Gifts arise due to a protocol, customs or social obligation if an MPP has, for example, participated in a ribbon-cutting ceremony or made a speech.

WHEN OFFERED A gift or benefit, MPPs should ask themselves:

- Who is giving me this gift or benefit?
- Is the acceptance of this gift part of my duties as an MPP/Minister?
- Can the gift or benefit reasonably be seen to be given to influence me in the exercise of my official responsibilities

(either as MPP or Minister)?

- Is there an expectation that I will do something for the donor in return?
- THE GIFT RULE applies to all gifts, regardless of value. If the gift has already been accepted by the MPP but it was not permissible, the Commissioner usually recommends that the gift be returned or reimbursement be made to the donor.

## DISCLOSURE STATEMENTS:

All gifts received with a value over \$200 must be publicly disclosed. This disclosure requirement also applies to cases in which the total value of gifts and benefits received from one source in any 12-month period exceeds \$200.

AN MPP WAS invited by a constituent to attend a fundraising dinner for a hospital within the member's riding. The value of the dinner ticket was \$350. Is it appropriate to attend the fundraiser?

COMMISSIONER'S RESPONSE: *It was the Commissioner's opinion that accepting the ticket was not prohibited by the Act. Attending constituency events that support community initiatives falls within the parameters of an MPP's responsibilities. The ticket was valued at more than \$200, so the MPP was required to file a Statement of Gifts and Benefits within 30 days of accepting it.*

A CORPORATION WITH interests in Ontario government policies invited an MPP and a guest to attend a fundraising gala in support of a charitable organization; during the event, the MPP would sit at a dinner table paid for by the stakeholder. Tickets to the gala were valued at more than \$500. Can the MPP accept the tickets?

COMMISSIONER'S RESPONSE: *To avoid the risk of a conflict of interest, real or perceived, the Commissioner advised the member to decline the invitation. Although the gala was held in support of a benevolent cause, the Commissioner noted that the tickets were offered by a government stakeholder. In addition, the discussions at the stakeholder's table may have resulted in lobbying and given rise to an expectation that the member would provide something in return. Therefore, it was the Commissioner's opinion that a reasonable presumption could be made that the tickets, which were also of substantial value, were given to influence the MPP in the member's consideration of issues before the legislature.*

A COMPANY THAT does business with the government sent an MPP two tickets to a sports event. The accompanying letter suggested that if the MPP was unable to use the tickets, the member should give them to a friend or colleague to enjoy. The tickets were valued at \$25

A MINISTER WAS invited by a foreign university to speak at a conference on an issue that falls under the Minister's responsibilities of office. The university offered to pay for the Minister's travel and accommodation expenses.

AN MPP, IN a personal capacity, wished to purchase tickets to an entertainment event. At the ticket office, the MPP was recognized and was offered a "free upgrade" to box seats by the venue's management. Is accepting the upgrade appropriate?

AN MPP'S CONSTITUENCY assistant was sent a thank-you card containing a \$25 gift card from a constituent. Can the assistant accept?

AN MPP WAS offered a \$500 honorarium for giving a speech at an Ontario university, which the MPP would like to donate to charity. Is this appropriate?

COMMISSIONER'S RESPONSE: *It was the Commissioner's opinion that it would be inappropriate for the MPP to accept the tickets. The tickets were offered by a government stakeholder, and attending sports events is not considered to be part of the MPP's official representative duties. Accepting the tickets, even if they were to be used by someone other than the MPP, could give rise to a presumption that the member could be influenced in performing his/her parliamentary duties or could set up an expectation of something in return. The Commissioner advised that the tickets be returned.*

COMMISSIONER'S RESPONSE: *The Commissioner determined that accepting the invitation would not place the Minister in violation of the Act. The foreign institution is not considered a government stakeholder, and participating in public forums is part of the protocol, customs or social obligations that accompany the responsibilities of Ministers' offices. However, because the benefit exceeded \$200 in value, the Minister was required to file a Statement of Gifts and Personal Benefits within 30 days of travel.*

COMMISSIONER'S RESPONSE: *The Commissioner advised that accepting the upgrade would be inappropriate. It was the Commissioner's opinion that the upgrade was offered simply because of the member's position as an MPP. In addition, a reasonable person could conclude that by accepting the upgrade, the venue management, who occasionally have dealings with the provincial government, might expect something in return.*

COMMISSIONER'S RESPONSE: *With only a few exceptions, the Act prohibits members from accepting fees, gifts or personal benefits that are connected directly or indirectly with the performance of his or her duties of office. As constituency offices assist in fulfilling members' duties, it is the Commissioner's opinion that constituency staff should not accept gifts connected to their employment.*

*In addition, gift cards are considered the equivalent of cash, and are therefore inappropriate to accept by MPPs or their staff under any circumstances. The assistant was advised to return the gift card.*

COMMISSIONER'S RESPONSE: *It is inappropriate for MPPs to accept cash gifts. Speaking engagements are considered one of the responsibilities of MPPs, and accepting an honorarium for these activities would constitute an inappropriate personal benefit.*

*The MPP was advised to suggest that the university donate the \$500 to a charitable organization; however, the donation should not be made in the MPP's name, as he/she did not contribute the funds and it would be inappropriate for him/her to receive an income tax receipt.*



## Writing letters

MPPs are often asked to write letters of support and recommendation for individuals and organizations. This is an activity that members normally engage in on behalf of constituents and is not prohibited under the Act, within certain parameters.

Greater weight will likely be attached to reference letters from

Ministers and MPPs because of the office parliamentarians occupy. It is therefore important that care be taken in preparing these letters. All letters of reference should be addressed to a specific individual or organization, never "To Whom it May Concern." Otherwise, there is the potential for a loss of control of the use of the letter.

The following examples are intended to assist Ministers, MPPs and their staff to respond to letter requests appropriately. It is important to note, however, that these general guidelines are not a substitute for questions that a member may have for the Commissioner regarding a specific case.

AN MPP WOULD like to write a letter of recommendation for a constituent for employment purposes. Is this appropriate?

**COMMISSIONER'S RESPONSE:** *The Commissioner advised that letters of reference should be written only if the MPP has sufficient personal knowledge of the person's qualifications and ability to perform the job for which he or she is applying.*

*Generally, reference letters in support of a person seeking employment should be written on personal, rather than official, letterhead. An exception would be if the person seeking the reference reports to (or reported to) the MPP directly in the member's official capacity as MPP or Minister. In that case, the member is in the position of an employer and it is, therefore, appropriate to provide a letter of reference on either the MPP's constituency or ministerial letterhead, as the case may be.*

*In their form, letters of reference should be focused on the position sought by the person seeking employment. This will prevent the use of the letter for a purpose other than that for which it was intended.*

*Although exceptions may arise, letters of reference should not be directed to the person asking for the letter, but should be directed to the prospective employer.*

AN MPP WAS asked to provide a quote to endorse a for-profit venture on its website. Could this cause a conflict of interest?

**COMMISSIONER'S RESPONSE:** *The Preamble to the Act states, in part, that "members are expected to act with integrity and impartiality that will bear the closest scrutiny."*

*When asked to provide support statements or general letters of reference by persons in a member's riding, MPPs must bear in mind that they represent all constituents and organizations. In this case, for example, there are many websites and businesses, and every effort must be made to avoid the suggestion that the MPP is favouring one over another.*

*Further, the MPP has no control over the website's content. In future, the website will likely change and the MPP may no longer be comfortable with the endorsement. For these reasons, it was the Commissioner's opinion that the MPP should not provide the endorsement.*

AN MPP WAS asked to write a letter of support for a local business's federal grant application. Is this appropriate?

COMMISSIONER'S RESPONSE: *Writing a letter of support to a federal agency in one's capacity as a member of the Legislative Assembly poses no issues under the Act, as long as the MPP is familiar with the business and supports its application.*

*Because the letter was being written in support of a community business, the Commissioner advised that the letter be on constituency letterhead. In addition, in order not to lose control over the use of the letter, the Commissioner recommended that the letter be addressed and sent directly to the federal agency.*

## Charitable Events and Activities

MPPs are entitled to participate in charitable initiatives within their constituencies under the following conditions:

- the event is for a charitable organization or a benevolent cause;
- involvement is in a reasonable manner and without undue influence;
- the MPP or Minister does not seek to further any private interest that could conflict with his or her duties

as a member of the assembly or the Executive Council;

- the MPP or Minister is not in a position to confer or deny a benefit to any donors; and
- there is no expectation on the part of the organization of anything in return.

Ministers are often asked to serve as honorary chairs or patrons of fund-raising events for non-profit organizations in their communities.

This is considered an acceptable activity, as the designation generally implies support for the organization in question but no active operational responsibility. However, Ministers should ensure that they remove themselves from any discussions regarding government funding or matters that may give rise to a potential conflict as a result of their status as members of the Executive Council.

AN MPP CONSIDERED receiving donations at the constituency office in support of a local charity during the December holiday period.

COMMISSIONER'S RESPONSE: *It was the Commissioner's opinion that this activity would be an inappropriate use of the constituency office; however, it is acceptable to provide constituents with information about where donations can be made.*

*Constituency offices must be neutral in all activities. By actively participating in the promotion of a charity, including the collection of funds or other donations, the member's actions may have been interpreted as favouring one charity over another and, ultimately, the MPP may have been placed in the position of being asked to provide a similar service to many other organizations in the community.*

A MINISTER WAS invited to serve as honorary chair for a charitable association that receives funding from his/her Ministry.

COMMISSIONER'S RESPONSE: *Although the designation of honorary chair generally implies no active responsibility for the organization in question, in this case it was the Commissioner's opinion that it would be better if the Minister did not accept an official role with a stakeholder of his/her ministry. However, the Commissioner advised that this does not preclude the Minister from attending or participating in the organization's events.*

AN MPP WAS invited to attend a fundraising gala in his/her capacity as a member of the legislature to show support for the benevolent cause. The invitation was received from a company that does business with the government. The value of the ticket was \$750.

AN MPP WAS asked to participate in an annual campaign to raise funds for charity. The initiative required the MPP to advocate on behalf of the charity and accept donations in a shopping mall.

COMMISSIONER'S RESPONSE: *MPPs are entitled to attend charitable events. However, it is inappropriate to gain entry to these events by accepting tickets from government stakeholders, which risks a conflict of interest under the Act. It was the Commissioner's opinion that the ticket should be returned. The Commissioner advised that if the MPP would still like to attend the event, the member should purchase a ticket with his/her personal funds.*

COMMISSIONER'S RESPONSE: *Although MPPs are entitled to attend fundraising events, it is the Commissioner's opinion that an MPP should avoid personally soliciting or giving the impression that he or she is personally soliciting funds for an organization. Such an activity may be interpreted as exercising inappropriate influence over the proposed donor, contrary to the Act.*

## Miscellaneous

A CONSTITUENT SOUGHT assistance from a Minister with respect to a matter before the Ontario Municipal Board. The constituent wanted the Minister to intervene in the OMB hearing.

COMMISSIONER'S RESPONSE: *It is not permissible for a Minister to advocate on behalf of a private interest at a provincial agency, such as the OMB.*

*Parliamentary convention prohibits Ministers from appearing as advocates or supporters about a decision to be made by a provincial agency, board or commission about a particular matter affecting an individual. The convention has evolved to ensure that members of the agencies, boards or commissions can carry out their duties free of influence or the appearance of influence by Ministers.*

*However, any member, including a Minister or staff person, is entitled to make inquiries of any government agency, board, commission or department for information with respect to the status of a matter and the policies and procedures, and to so advise a constituent. In this case, the Minister may wish to obtain as much information and documentation as possible from the constituent and then make inquiries about the status of the matter. Information gathering does not place the member in conflict under the Act.*

A LOCAL BUSINESS has requested that an MPP display information brochures about the business's services in the member's constituency office. Is this something that the office can do?

COMMISSIONER'S RESPONSE: *The Commissioner noted that the MPP's constituency office is entitled to have information regarding community services available, should a constituent come into the office seeking information. However, it was the Commissioner's opinion that it is inappropriate to use the constituency office for advertising purposes, and it would be better if brochures were not displayed there.*

A CONSTITUENT ASKED an MPP to intervene in the administration of a proceeding before the Ontario Court of Justice.

COMMISSIONER'S RESPONSE: *MPPs cannot intervene in matters before the court.*

*Our democratic system of government is composed of three branches: legislative, executive and judicial. Each is supreme and independent within its own jurisdiction. Although the legislative and the courts are both branches of government, they are separate and independent, and any interference by one in the other is strictly forbidden.*

*A court case is a judicial proceeding with specific provisions for appeals. To avoid inappropriate interference, legislators should never communicate with judges or other judicial officers with respect to matters that are or have been before the courts.*

## Referred Questions

Under section 30 of the Act, MPPs have the right to ask for an opinion when they have reasonable and probable grounds to believe that another MPP

has contravened the Act or Ontario parliamentary convention. A complaint under section 30 was filed by MPP Rick Johnson against MPP Randy

Hillier. This matter remains under review. A report will be issued by the Commissioner and will be available on the Office's website.



# Ministers' Staff

## ETHICAL CONDUCT

*The Integrity Commissioner  
provides Ministers' staff with advice  
on conflicts of interest, political activity and  
post-service employment issues.*

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## Mandate

As Ethics Executive for Ministers' staff, the Integrity Commissioner provides advice on conflict of interest, political activity and post-service employment issues. This past year, the majority of the 83 inquiries were about post-service employment, and the remainder involved questions about conflict of interest matters and outside activities.

The standards applicable to Ministers' staff are found in the *Public Service of Ontario Act, 2006*, sections 66–69 and 94–98, and in the *Conflict of Interest Rules for Public Servants (Ministers' Offices) and Former Public Servants (Ministers' Offices)*, Ontario Regulation 382/07.

## Inquiries

These inquiries represent a selection of anonymized versions received in the past year. The examples are abbreviated and are not exhaustive. They are intended to provide a sense of the types of inquiries received by the Integrity Commissioner.

The Commissioner's directions and advice in these summaries were provided based on specific facts. It is expected that Ministers' staff will contact the Office for their own specific guidance when similar issues arise.

## Gifts

Public servants are not permitted to accept gifts or benefits from any person, group or entity that has dealings or prospective dealings with the Crown if a reasonable person could conclude that the gift or benefit could influence the public servant. However, this rule does not preclude public servants from accepting a gift or benefit of nominal value that is given as an

expression of courtesy or hospitality.

When trying to determine whether it is appropriate to accept a gift or benefit, public servants should consider why the donor provided them with a gift and if there is an expectation of something in return. Public servants must report the receipt of all gifts and benefits to the Commissioner, regardless of the value.

SIX MONTHS AFTER a public servant worked very closely with a company on a public-private project, the company's work was recognized with an award. The company offered the public servant a ticket valued at \$150 to attend the awards gala.

### COMMISSIONER'S RESPONSE:

The Commissioner advised the public servant not to accept the ticket for the following reasons:

1. although the company's contract with the Ontario government had expired, the company could potentially seek further dealings with the Crown;
2. considering this, a reasonable person may conclude that accepting the ticket could influence the public servant in the course of the company's future dealings with the Crown;
3. at a cost of \$150 per person, the ticket is not considered nominal in value; and
4. attending the gala does not fall within the public servant's duties and responsibilities.

## Outside activities

In many circumstances, public servants are permitted to volunteer, sit on boards and work on a part-time basis outside of the public service, providing these activities do not conflict with their duties to the Crown or impair or influence their ability to do their ministerial jobs.

A PUBLIC SERVANT wanted to sit on the board of directors of an organization that is not a stakeholder of the public servant's ministry.

A PUBLIC SERVANT was asked to give a speech at the annual general meeting of a charitable organization of which the public servant has been a long-time supporter. The organization receives some funding from the Ontario government.

A PUBLIC SERVANT wanted to write a book on a subject that is unrelated to the ministry in which he/she works.

Compliance with these rules may prove difficult when an outside activity is related to a matter that falls under the jurisdiction of the public servant's ministry, or the activity involves an entity that is a government stakeholder. Further, outside activities must be kept

separate from work within the Crown and be conducted on a public servant's own time. Conflict of interest rules involving preferential treatment and participating in decision making must also be considered.

COMMISSIONER'S RESPONSE: *It was determined that the public servant could sit on the board of directors under the following conditions:*

1. *the public servant informs the Minister, and the Minister approves;*
2. *the public servant recuses himself/ herself from any board discussions regarding provincial government funding or any other issue that could cause conflict with the Crown; and*
3. *the public servant does not use any government resources, including time, for board activities.*

COMMISSIONER'S RESPONSE: *As the public servant has been familiar with the organization for more than 10 years and intends to speak in his/her personal capacity on a theme that is not related to the individual's ministry responsibilities, the Commissioner determined that it was acceptable to speak at the event under the following conditions:*

1. *the public servant advises the Minister, and the Minister approves;*
2. *the public servant's government title is not used; and*
3. *the public servant does not use any government resources, including time, to prepare for this activity.*

*The Commissioner noted that because the organization receives partial funding from the government, the public servant may wish to advise the organization in advance that he/she is unable to accept gifts for participating, even as an expression of courtesy, in order to avoid any risk of a conflict of interest, real or perceived.*

COMMISSIONER'S RESPONSE: *As the book's subject matter is unrelated to the public servant's employment responsibilities, the Commissioner advised that it is acceptable to write the book under the following conditions:*

1. *the public servant advises the Minister, and the Minister approves; and*
2. *the public servant conducts the book-writing activity on his/her own time, without the use of government resources.*

PRIOR TO JOINING a Minister's office, a public servant established a consulting firm specializing in a policy area that falls outside the responsibilities of the public servant's ministry. The public servant wanted to perform similar consulting work on a part-time basis.

**COMMISSIONER'S RESPONSE:** *The Commissioner determined that the public servant could perform consulting work on a part-time basis, taking into consideration the fact that the public servant holds no policy files in the Minister's office related to the proposed consultancy work, the proposed consultancy work concerns an area that falls outside of the Minister's responsibilities, and the public servant intends to work less than 10-15 hours per week. The Commissioner provided the following conditions:*

- 1. the public servant informs the Minister, and the Minister approves;*
- 2. the public servant's work for the Minister's office is the first priority;*
- 3. the public servant conducts consulting work on his/her own time and does not use government resources;*
- 4. should any issues arise at the ministry regarding the public servant's clients, he/she will immediately remove himself/herself from those discussions and decisions and contact the Commissioner to obtain additional direction;*
- 5. the public servant will not accept any consulting work from ministry stakeholders;*
- 6. the public servant will not use his/her position as a public servant to promote the consulting business; and*
- 7. the public servant will review and be familiar with all of the obligations stipulated in the Conflict of Interest Rules and will contact the Commissioner for additional direction should any issues arise.*

## Post-service Employment

Public servants who leave the government's employ are required to comply with post-service obligations and restrictions, which include the following:

- 1.** an ongoing duty not to seek preferential treatment or disclose or use confidential information;
- 2.** a 12-month restriction on lobbying any ministry that the public servant has been employed with in the last 12 months;

- 3.** a potential restriction against accepting employment with an entity, person, or public body in which a public servant **(a)** had substantial involvement, and **(b)** had access to confidential information that could harm the Crown or give the entity an advantage; and
- 4.** an ongoing restriction against advising any entity about a specific proceeding, negotiation or transaction about which the public servant advised the Crown.

It is recommended that public servants contact the Commissioner for post-service advice and direction whenever they are considering a move. All inquiries received by the Commissioner are kept in strict confidence.



A PUBLIC SERVANT employed as a special advisor works in a Minister's office on a very specific policy issue. He/she was thinking about exploring new ventures outside of government, and asked for advice.

**COMMISSIONER'S RESPONSE:** *Staff met with the public servant to review in detail the Conflict of Interest Rules and identify potential restrictions the public servant may wish to consider in advance of taking on a new role outside government.*

*In addition to noting a 12-month restriction on lobbying the ministry or ministries that the public servant has worked for in the past year, the public servant was advised about the potential employment/appointment restriction if considering employment or board appointments with an entity, person or public body in which they (a) had substantial involvement; and (b) had access to confidential information that could harm the Crown or give the entity an unfair advantage.*

*The public servant was advised to exercise caution when considering employment with entities with which they had dealings. Public servants are not permitted to allow the prospect of their future employment to detrimentally affect the performance of their duties to the Crown.*

*Following the meeting, the public servant occasionally contacted the Office for advice regarding specific job advertisements of interest, in order to ensure — before applying — that the roles did not conflict with the post-employment rules.*

A FORMER PUBLIC servant asked whether it would be a breach of the lobbying restrictions to phone public officials from the individual's former ministry. The contact would be for an exchange of information.

**COMMISSIONER'S RESPONSE:** *Lobbying is defined as communicating with a public office holder in an attempt to influence legislation, government policies or programs. Phoning public officials may or may not be considered lobbying, so each call would have to be assessed on a case-by-case basis. The public servant should consider that he/she may not be able to control the content or direction of the conversation, even though there is no intention for lobbying to occur. In addition, care must be taken to ensure the public servant is not seeking preferential treatment when contacting public officials.*

*In cases where information is being sought from a public official captured within an individual's lobbying restrictions, it is often prudent to have someone else make the call. It was recommended that if contact with a public official is absolutely necessary, the public servant should seek advice from the Office before each contact with former ministry officials for 12 months to ensure he/she would be in compliance with the lobbying restriction and preferential treatment obligations.*

## Miscellaneous

A PUBLIC SERVANT who was recently hired as a special assistant in a Minister's office asked whether his/her stock options risk placing him/her in a potential conflict of interest situation.

COMMISSIONER'S RESPONSE: *There is no prohibition against Ministers' staff holding stock unless the investments could potentially conflict with their work with the Crown. The Commissioner reviewed the public servant's investment statements in relation to the individual's current position and determined that the Conflict of Interest Rules were not triggered.*

*The public servant was advised that if he/she determines in the future that his/her ministry work could potentially conflict with their investments, the public servant is required to notify the Commissioner for direction.*

*In addition, to ensure compliance with the rules, the Commissioner recommended that care be taken to avoid any future investment purchases or trades that may potentially conflict with the public servant's work with the Crown.*

# Expenses Review

*The Integrity Commissioner reviews the expenses for travel, meals, hospitality, and accommodation filed by a broad group of public servants. The goal is to encourage prudence and accountability when spending public funds.*

INTEGRITY

## Mandate

The Office of the Integrity Commissioner reviews the travel, meal and hospitality expenses for two groups of public servants:

- Cabinet Ministers, parliamentary assistants, leaders of the Opposition and their staff; and
- senior executives, appointees and the top five employee expense claimants at 22 of Ontario's largest agencies, boards and commissions.

The responsibilities are found in two pieces of legislation:

- the *Cabinet Ministers' and Opposition Leaders' Expenses Review and Accountability Act, 2002*; and
- the *Public Sector Expenses Review Act, 2009*.

## Overview

This year, the Office of the Integrity Commissioner introduced new processes and best practices across both mandates. The Office hired an expense review coordinator and an expense review assistant to complement the ongoing work with Ministers and Opposition leaders. This professional team refined the materials and review processes throughout the year, making sure that the rules for both mandates were aligned.

### THE EXPENSE REVIEW PROCESS

The expense reviews conducted by the Office staff are detailed and time-consuming, and follow a similar process for both mandates. Expense forms are first checked to ensure that each line entry is supported by an itemized receipt or documentation. The expenses are then assessed to ensure they comply with the applicable rules and that sufficient explanation or supporting documentation is on record for each entry. Claimants are frequently asked for additional information about the circumstances of business trips or other expenditures. These requests require a response, and only after an acceptable answer is received will the package of claims be submitted to the Commissioner for her final review. If a claim is deemed to be excessive or inappropriate, the Commissioner provides feedback and may request reimbursement or suggest other remedial action.

Once the expenses have been approved, each entity is responsible for posting the expenses online.

## Public Sector Expenses Review

In all, the Office reviewed some 2,456 claims from 386 people.

All reviews are up to date and proceeding well. At the beginning of this mandate, the Office took on the responsibility of actively educating the agencies, boards and commissions on the directive, as well as helping them become familiar with the new processes. This workload was substantial, but it has paid off. The agencies, boards and commissions are cooperative and responsive to the Office's inquiries. Expenses for review are filed on time each quarter, and increasingly senior officials consult with Office staff to seek advice and guidance before incurring an expense. Staff members have also been meeting with officials, and have prepared resource materials to help with frequently asked questions. Further meetings with each agency are planned on an ongoing basis to establish an environment of cooperation, communication and education.

In the second half of the year, the Office provided guidance to the designated organizations in determining the expenses to be used in the calculations to identify the top five employee expense claimants from each body, whose expenses the Act also covers. The full year of expense claims for this group was due to be submitted within 60 days of the March 31, 2011, fiscal year-end.

## Cabinet Ministers & Opposition Leaders

Reviews continued for the travel, meal and hospitality expenses filed by Ontario's Cabinet Ministers, Opposition leaders, parliamentary assistants and members of their staff. This year the Office reviewed 1,251 claims on behalf of approximately 500 people.

Amid increasing calls for scrutiny of public sector expenses, the Commissioner took a significant step in how the Office reviews the meals claimed by Cabinet Ministers, Opposition leaders, parliamentary assistants and political staff. The Office applies the Rules Governing the Expenses of Cabinet Ministers, Opposition Leaders and Other Persons; however, these rules do not state specific meal expenses, but rather generally say that meal expenses must be "modest, representing a prudent use of public funds."

With a focus on ensuring transparency and fairness in the rules, the Commissioner provided additional guidance in order to ensure consistent compliance. In late 2010, the Office started applying the meal rates listed in the Travel, Meal and Hospitality Expenses Directive when reviewing the expense claims submitted by people in this group. This ensures they follow the same rules as the employees and appointees of the agencies, boards and commissions that are reviewed by the Commissioner, in addition to other provincial public bodies governed by the directive.

The expense claim guidelines, processes and forms were amended, and Office staff continues to meet with Ministers' chiefs of staff and office managers to educate them on the rules and the review process.

### REPORT TO THE SPEAKER

The Commissioner is required to provide the Speaker of the Legislative Assembly of Ontario with a written report on the review of the expenses incurred by Ministers, parliamentary assistants, leaders of the Opposition and their staff. This is set out in section 10 of the *Cabinet Ministers' and Opposition Leaders' Expenses Review and Accountability Act, 2002*.

The Commissioner can name in the report any person who does not comply with an order to repay or a recommendation for other action; however, she cannot name a third party and cannot fault anyone for relying on her advice. In addition, the Commissioner may report on cases where advice regarding remedial action is not taken.





# Disclosure of Wrongdoing

*Ensuring a meaningful response  
when public servants make allegations  
of wrongdoing.*

IN  
TEGRITY

## Mandate

As an independent third party, the Integrity Commissioner has authority to receive and deal with allegations of wrongdoing from Ontario public servants working in ministries or public bodies.

This responsibility can be found in the *Public Service of Ontario Act, 2006*.

## Overview

The Office of the Integrity Commissioner continues to focus on improving the file intake, review and referral for investigation practices and on learning from experience under the Ontario model. This year, the Office also began preparing for the scheduled legislative review of the disclosure of wrongdoing legislation in 2012.

The Office has sought feedback from disclosers and initiated a small-scale consultation with bargaining agents, public servants and senior officials within government. Whenever possible, the lessons learned from these consultations are implemented immediately. Other feedback, coupled with internal observations about the framework informed by best practices emerging in other jurisdictions, is being compiled to ensure that the Office can contribute meaningfully when the government conducts the five-year review.

Since August 2007, the Office has referred 19 cases for investigation to senior officials in government. In all but one case, the Commissioner has been satisfied with the outcome of the investigation and corrective actions, if any, undertaken by the senior official investigating the alleged wrongdoing. In one case, the Commissioner was not satisfied and an investigation was commenced. This investigation was completed this year.

The Commissioner maintains that the best place for resolution is within the affected ministry or public body. However, this is possible only if public servants have the confidence that senior officials within their organization will deal with allegations of potential wrongdoing, or other serious issues, in confidence and appropriately. Through consultations, the Office learned that there are many examples of public servants who are finding ways to successfully raise issues of potential wrongdoing within their own organizations, without the need to contact the Commissioner.

In light of this, the Commissioner has been considering the level of public reporting of internal disclosures of wrongdoing. At present, there is no statutory requirement to make such reports. The Commissioner believes that confidence in the overall disclosure of wrongdoing framework would be improved if there was public reporting of internal disclosure activities within government.

## Referrals to Senior Officials for Investigation

When a matter is referred by the Commissioner to an appropriate senior official, he or she is required to undertake an investigation and report back to the Commissioner (referred to as a "report after referral"). The Commissioner scrutinizes the report after referral, which takes time and can require the Commissioner to seek outside expertise.

This is a discreet process. The law requires the protection of the identities of persons involved with disclosures of wrongdoing, including persons who make disclosures, witnesses and persons alleged to be responsible for wrongdoing. For this reason, details of the wrongdoings cannot be revealed in this annual report. While the public at large may not be able to identify circumstances based

on a general description, the risk of identification is possible within the affected departments. With the passage of time, it is anticipated that it will be possible to offer more specific reporting about some of the disclosure of wrongdoing success stories.

This year, eight disclosures of potential wrongdoing were referred for investigation to senior officials within government. The referrals related to all three types of potential wrongdoing. The Commissioner has concluded her review of three reports after referral, which included one that was commenced in fiscal year 2009–10 but not received until this year. The remaining reports after referral remain under review or have not yet been received.

### CASE 1 — ALLEGED GRAVE DANGER AND GROSS MISMANAGEMENT IN RELATION TO A REGULATORY MATTER

It was alleged that public servants were responsible for creating grave danger and gross mismanagement for failing to properly enforce and administer a set of standards against a third party. The investigation concluded that the actions of the public servants were in accordance with applicable comprehensive policies and procedures and did not create grave danger. The Commissioner was satisfied with the investigation and closed the file. The Commissioner did not make a recommendation or issue a request for additional information.

### CASE 2 — CONFLICT OF INTEREST ALLEGATION IN RELATION TO HIRING (CONTRAVENTION OF A REGULATION)

It was alleged that a public servant had contravened the conflict of interest rules with respect to hiring. The investigation concluded that no contravention, and accordingly no wrongdoing, had occurred but that there was a reasonable basis to give rise to a perception that one had occurred. Corrective actions were undertaken to address the issues and to raise awareness of the conflict of interest rules. The Commissioner was satisfied with the investigation and the corrective actions, and closed the file. The Commissioner did not make a recommendation or issue a request for additional information.

### CASE 3 — ALLEGED THEFT

It was alleged that a public servant was engaged in theft. A preliminary investigation was conducted and did not detect any theft but identified procedural weaknesses in the processes in place. The senior official undertook to continue to review and improve the processes. The Commissioner was satisfied with the investigation and the commitment by the senior official to review and improve processes, and the file was closed. The Commissioner did not make a recommendation or issue a request for additional information.

## Investigation

The Commissioner can launch a new investigation if she is ultimately not satisfied with an investigation undertaken by a senior official, or with information provided in response to a request for additional information or in relation to a recommendation.

In the 2009–10 annual report, it was reported that for the first time the Commissioner commenced an investigation because she was not satisfied with a request for information related to a matter that was substantially concluded in fiscal 2008–09. That investigation was concluded this year. The investigation was completed with a high degree of cooperation from the ministry.

The disclosure related to an alleged wrongdoing in relation to a regulatory process. As is required under the Act, the Commissioner first referred the matter to a senior official within the ministry for investigation. The initial investigation conducted by the senior official identified a number of significant policy gaps to explain the conduct that was alleged to be wrongdoing. The senior official undertook to carry out corrective actions to deal with the policy gaps and other specific issues and provide status reports on those actions. The Commissioner was satisfied with the response of the senior official but continued to follow up with the matter through status reports.

When the status reports revealed the corrective actions may not have been completed in accordance with appropriate timelines, the Commissioner decided to undertake a fresh investigation.

The Commissioner's investigation confirmed that there was a lack of policy clarity that was caused by insufficient information and awareness about the nature of the risk posed by the regulated activity. The situation was exacerbated by the failure of the ministry to oversee the operations of the unit in relation to the regulated activity. This lack of oversight allowed the unit to operate without a ministry-approved mandate or clear guidelines for performing its role in relation to the regulated activity or for managing its relationship with key stakeholders in the area.

The lack of policy clarity and failure of the ministry to oversee the unit's activities in relation to the issue resulted in inconsistent application of the regulatory program. The Commissioner concluded that it was not reasonable for the ministry to allow inconsistent implementation of a regulatory program when it fell short of its understanding of the nature of the underlying risk.

The Commissioner made a number of recommendations, all of which were accepted by the ministry. The ministry has since implemented many of the recommendations, and the Commissioner continues to follow up with the ministry to monitor progress on the recommendations.



## Threat of Reprisals

The Commissioner is required each year to report a summary of what is known respecting outcomes of findings of reprisals under the *Public Service of Ontario Act, 2006*.

The Commissioner is not aware of any findings of reprisal pursuant to the provisions of the Act. The Commissioner has no jurisdiction to deal with allegations of reprisal.

The Commissioner continues to observe that the threat of reprisal is a disincentive to coming forward to the Office. Disclosers continue to report that even if their identity is concealed, colleagues and managers engage in speculation about who initiated the disclosure. In addition, the Commissioner has noted that those involved in investigations as witnesses or respondents can also suffer from reprisal.

The Commissioner encourages all those involved with investigating or dealing with allegations of wrongdoing to focus on the substance of the allegation, not why the disclosure was made in the first place.

## Learning from Others

In October 2010, the Commissioner and staff met with our Canadian counterparts in Ottawa to share experiences and best practices. The session was hosted by the federal Public Sector Integrity Commissioner and included a panel discussion with public interest groups representing disclosers, as well as significant expertise from a representative of the New South Wales Ombudsman office who has been working in the field of public interest disclosure for more than 10 years. In addition, staff met with officials in the U.S. Office of Special Counsel, which works under a model similar to the Ontario disclosure of wrongdoing model.

## Inquiries from the Public

	2009 – 10	2010 – 11
TOTAL NUMBER OF CONTACTS	14	11
<i>Intended to make a complaint about a public servant</i>	2	6

## Summary of Intake Activity

	2009-10	2010-11
<b>Total Contacts from Public Servants</b>	<b>35</b>	<b>32</b>
Requests for information	20	21
Intention to file a disclosure of wrongdoing	15	11
	2009-10	2010-11
<b>Disposition of matters where a public servant sought to make a disclosure of wrongdoing (including matters carried over from prior fiscal year)</b>	<b>18<sup>1</sup></b>	<b>18<sup>2</sup></b>
Referred to appropriate senior official for investigation	3	8
Not received as a disclosure of potential wrongdoing because the allegations could not possibly reveal a "wrongdoing" as that term is defined in the Act	4	2
Received as a disclosure of a potential wrongdoing, but the Office was not able to deal with it because the circumstances were outside of its jurisdiction	1	0
File closed for miscellaneous reasons (e.g., discloser decided not to proceed, insufficient information to determine jurisdiction)	3	6
Remaining under review at fiscal year-end	7	2

<sup>1</sup> Includes 15 inquiries in which the public servant expressed an intention to file a disclosure of wrongdoing, plus three inquiries remaining under review at year-end 2009.

<sup>2</sup> Includes 11 inquiries in which the public servant expressed an intention to file a disclosure of wrongdoing, plus seven inquiries remaining under review at year-end 2010.

### WHAT WE DO:

- INFORM PUBLIC SERVANTS about the disclosure of wrongdoing framework;
- REVIEW ALLEGATIONS BEFORE making the referral to confirm that, if proven, the conduct alleged fits the definition of wrongdoing in the Act;
- STEP INTO THE shoes of disclosers by referring allegations of wrongdoing

to an appropriate senior official within government and directing an investigation be commenced;

- PROVIDE GUIDANCE AND set standards for effective investigations by senior officials;
- SCRUTINIZE GOVERNMENT RESPONSES to allegations, including reviewing in detail the report after referral and other materials, requesting

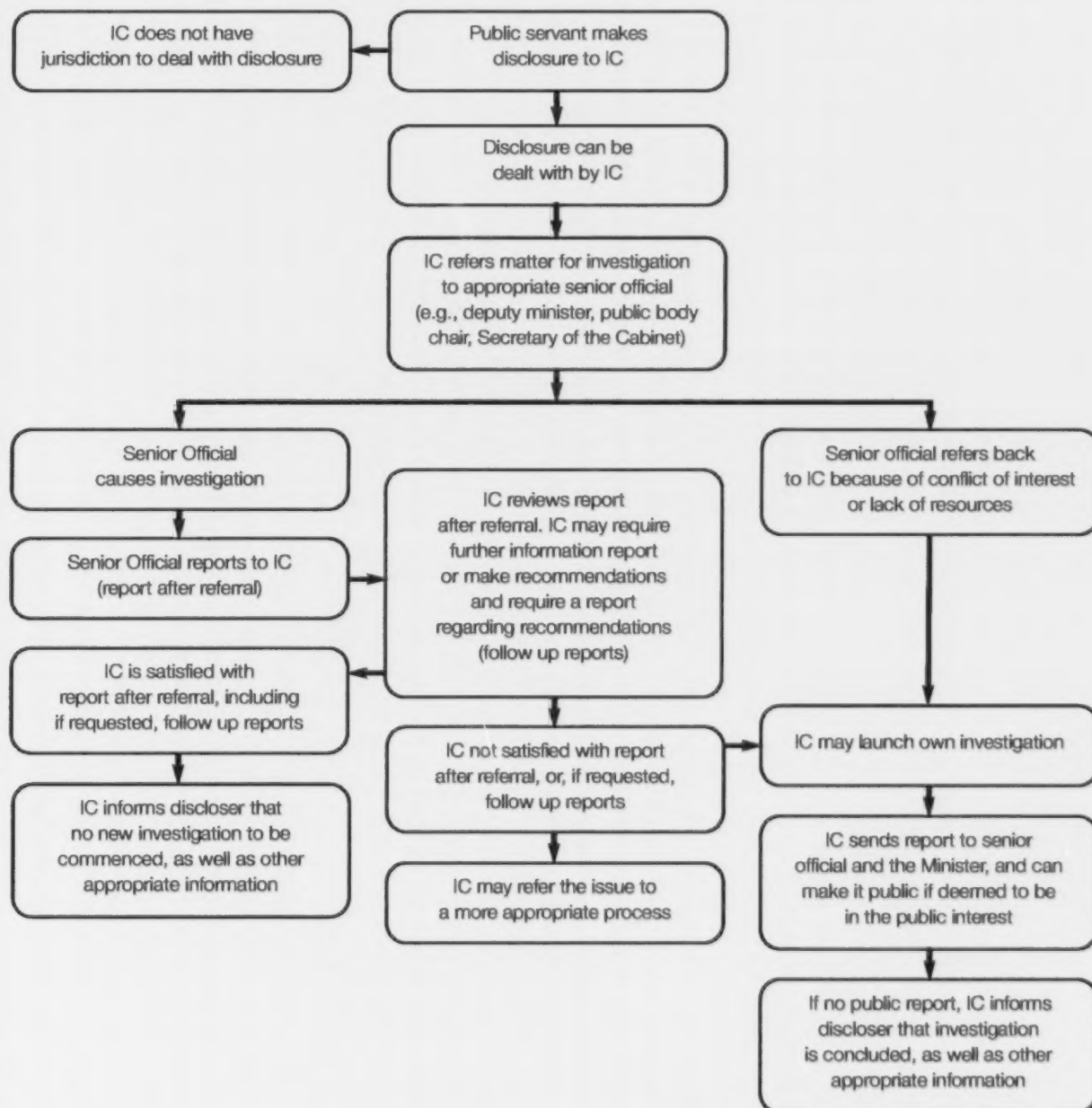
additional information, making recommendations and following up to ensure that the required corrective actions are achieved and/or undertaken; and

- ULTIMATELY, IF NOT satisfied with the response to a referral, the Commissioner can lead a new investigation

# Disclosure of Wrongdoing Process

## WHEN CAN A PUBLIC SERVANT COME TO THE OFFICE OF THE INTEGRITY COMMISSIONER?

- He or she believes it is not appropriate to go directly to the person's Ethics Executive (deputy minister or public body chair).
- He or she has gone directly to the Ethics Executive but has concerns that the matter is not being dealt with appropriately.





# Lobbyists Registration

*A robust lobbyists registration system  
provides government and the public with  
transparency about who is talking to whom  
in government, and about what.*

INTEGRITY



## Mandate

The Office maintains an online public record of paid lobbyists. The data base is searchable, and outlines each lobbyist's name, company, client or employer, the lobbying activity and the targeted ministry or agency.

This responsibility is found in the *Lobbyists Registration Act, 1998*.

## Overview

The Lobbyists Registration Office has had another active year, against an ever-changing and at times politically charged landscape for lobbyists. The Office works to discharge its duties with two principles at heart: lobbying is a legitimate and necessary part of the democratic process, and transparency is desirable to ensure it is readily apparent to see just who is lobbying whom, and about what.

For the first time in the province's 12-year history of lobbyist registration, the *Lobbyists Registration Act, 1998* was amended to introduce new rules prohibiting certain public sector organizations from using public funds to hire external, or consultant, lobbyists. The restriction applies to certain public bodies; hydro entities; large, broader public sector organizations such as hospitals, school boards and universities; and certain other publicly funded organizations that receive more than \$10 million in Ontario government funding.

The changes were enacted through the *Broader Public Sector Accountability Act, 2010*. Beginning January 1, 2011, all consultant lobbyists are required to answer a new question on the registration form to ensure they comply with the rules. This change required a modification to the Office's systems and operations policies. All work was completed on time, and was supported by a communications program to help consultant lobbyists understand and comply with the new rules and procedures.

This work only served to highlight the need for a legislative review and update of the Act. In the coming year, the Registrar will advocate for initiatives to update Ontario's laws, drawing from the experiences of other provinces and the federal government. Among the issues to be considered are whether there should be a code of conduct for lobbyists, whether the Registrar should have investigative or inquiry powers, and what tools will best encourage compliance.

The high profile and complexity of issues involving lobbyist activities and procedures continues to escalate. In September, the Registrar attended the annual meeting of Lobbyist Registrars in St. John's, Newfoundland and Labrador, where it was agreed a mid-year gathering would be beneficial to continue the discussions face to face. This second meeting took place in Ottawa in February and covered a wide range of topics, including the usefulness of codes of conduct, investigation powers, penalty provisions and working with law enforcement. These discussions are helpful as the Office reviews its policies and gains a solid understanding of best practices from other jurisdictions.

## Education

Working with stakeholders, the Office this year launched a series of presentations to educate lobbyists on rules and procedures, meeting with lobbyists in Toronto and Ottawa.

This work was preceded by a review and update of the Office's operating procedures and policies, and new supporting materials were published on the website.

The Office also dusted off its existing Interpretation Bulletins, which can be found on the website. The Office is fielding a growing number of questions about the application of the

Act. Inquiry topics include questions about registration requirements and the different types of lobbyists, and requests for assistance with the online search tools.

The Registrar spoke at a number of conferences, including professional development programs run by Osgoode Hall Law School, the Society of Ontario Adjudicators and Regulators and public affairs professional groups, and a conference on International Trends in Lobbying Regulation in Dublin, Ireland. These opportunities help the Registrar raise the profile of Ontario's lobbyists registration system while

also gaining insight into issues of concern from the public and the lobbyist community.

The total number of registrations is lower this year, in part as a result of lobbyists complying with the *Broader Public Sector Accountability Act, 2010* and terminating some registrations. The statistics covering lobbying by ministry were also affected by the elimination of the "Government-Wide" option from the registration form on April 1, 2010. Lobbyists must now specifically identify each individual target of their lobbying activity.

## Registration Activity

	MARCH 31, 2010	MARCH 31, 2011
Total Registrations	1931	1689
<b>BY TYPE</b>		
Consultants	1544	1301
In-House, Organizations	222	219
In-House, Persons & Partnerships	165	169

## Lobbyist Activity by Ministry/Agency

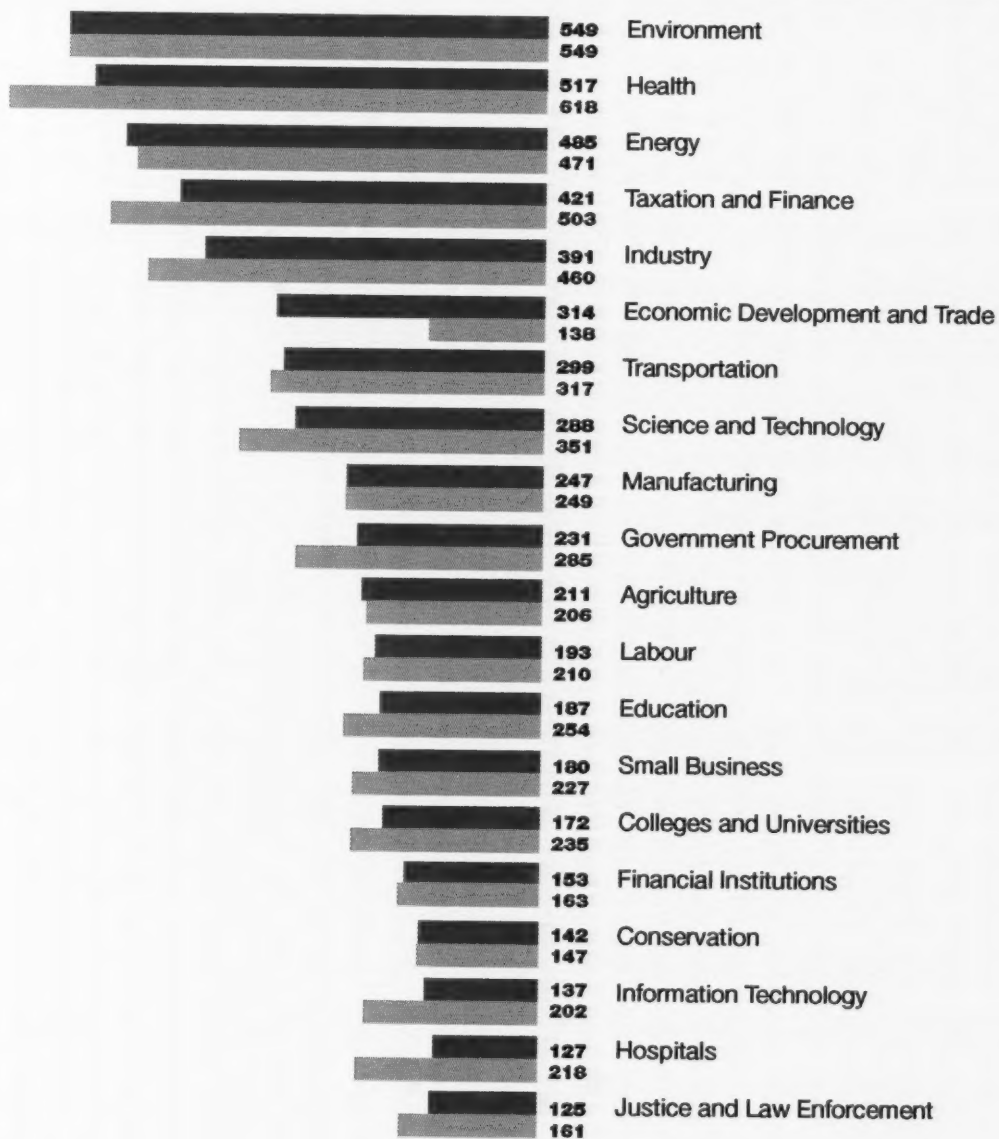


2011  
2010

\* formerly the Ministry of Energy and Infrastructure

These statistics include those registrations where the lobbyist selected "Government Wide."

## Lobbyist Activity by Subject



2011  
2010





# Outreach & Financial Statement

*Consultations,  
Meetings,  
Community Groups,  
Foreign Delegations.*

INTEGRITY

## Outreach

The Integrity Commissioner continues to place the highest value on opportunities to educate MPPs, political staff, lobbyists, members of the public service and the public at large about all of the Office's mandates.

### THE ACHIEVEMENTS THIS PAST YEAR INCLUDED:

- playing host to the Canadian Conflict of Interest Network annual meeting in Toronto;
- attending the Council of Governmental Ethics Laws annual meeting in Washington, D.C.;
- attending meetings of the federal and provincial lobbyist registrars in St. John's, Newfoundland and Labrador, and Ottawa;
- providing information to delegations from China, Ghana and Kenya;
- making presentations to several public affairs organizations;
- meeting with members of agencies, boards and commissions to provide information about the new expense review mandate;
- making presentations at professional development programs sponsored by Osgoode Hall Law School;
- attending and speaking at the conference on International Trends in Lobbying Regulation in Dublin, Ireland;
- making a speech to public affairs management students at Ryerson University;
- appearing before the provincial council of deputy ministers;
- hosting education sessions for lobbyists to familiarize them with the registration process;
- attending a meeting on the disclosure of wrongdoing presented by the federal Public Sector Integrity Commissioner's office; and
- continuing to hold information meetings with Ministers' staff.

## Financial Statement

Salaries and Benefits	\$1,032,882.00
Transportation and Communication	\$ 49,248.00
Services	\$ 457,079.00
Supplies and Equipment	\$ 44,735.00
TOTAL	\$1,583,944.00

- The Office of the Integrity Commissioner's fiscal year begins April 1 and ends March 31.
- Financial transactions are subject to audit by the Office of the Auditor General through the accounts of the Office of the Assembly.
- Information about the *Public Sector Salary Disclosure Act, 1996* can be found at [www.fin.gov.on.ca](http://www.fin.gov.on.ca)

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